

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

Dorantes, Miguel A,

(Enter the full name of the plaintiff.)

v.

Case No. CIV-22-50-D7  
(Court Clerk will insert case number)

(1) Sgt. NYE,

(2) Nurse April Beard,

(3) Kade.

(Enter the full name of each defendant. Attach additional sheets as necessary.)

**FILED**

JAN 18 2022

CARMELITA REEDER SHINN, CLERK  
U.S. DIST. COURT. WESTERN DIST. OKLA.  
BY RT DEPUTY

**PRO SE PRISONER CIVIL RIGHTS COMPLAINT**

Initial Instructions

1. You must type or legibly handwrite the Complaint, and you must answer all questions concisely and in the proper space. Where more space is needed to answer any question, you may attach a separate sheet.
2. You must provide a full name for each defendant and describe where that defendant resides or can be located.
3. You must send the original complaint and one copy to the Clerk of the District Court.
4. You must pay an initial fee of \$402 (including a \$350 filing fee and a \$52 administrative fee). The complaint will not be considered filed until the Clerk receives the \$402 fee or you are granted permission to proceed *in forma pauperis*.
5. If you cannot prepay the \$402 fee, you may request permission to proceed *in forma pauperis* in accordance with the procedures set forth in the Court's form application to proceed *in forma pauperis*. See 28 U.S.C. § 1915; Local Civil Rule 3.3.

"This is a continuation of defendants Name's"

(4) Malone

(5) Whitaker

(6) Gamble

(7) Sgt. Tudger

(8) LT. Mangus

(9) Nurse Sam

(10) Nurse Moss

(11) Nurse Kayla

- If the court grants your request, the \$52 administrative fee will not be assessed and your total filing fee will be \$350.
- You will be required to make an initial partial payment, which the court will calculate, and then prison officials will deduct the remaining balance from your prison accounts over time.
- These deductions will be made until the entire \$350 filing fee is paid, **regardless of how the court decides your case.**

7. The Court will review your complaint before deciding whether to authorize service of process on the defendants. *See* 28 U.S.C. §§ 1915(e)(2), 1915A; 42 U.S.C. § 1997e(c)(1). If the Court grants such permission, the Clerk will send you the necessary instructions and forms.

8. If you have been granted permission to proceed *in forma pauperis*, the United States Marshals Service will be authorized to serve the defendants based on information you provide. If you have not been granted permission to proceed *in forma pauperis*, you will be responsible for service of a separate summons and copy of the complaint on each defendant in accordance with Rule 4 of the Federal Rules of Civil Procedure.

### **COMPLAINT**

**I. Jurisdiction is asserted pursuant to:**

       42 U.S.C. § 1983 and 28 U.S.C. § 1343(a)(3) (NOTE: these provisions generally apply to state prisoners), or

  ✓   *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), and 28 U.S.C. § 1331 (NOTE: these provisions generally apply to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

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**II. State whether you are a:**

- ☐ Convicted and sentenced state prisoner  
☒ Convicted and sentenced federal prisoner  
☐ Pretrial detainee  
☐ Immigration detainee  
☐ Civilly committed detainee  
☐ Other (please explain) \_\_\_\_\_

**III. Previous Federal Civil Actions or Appeals**

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

1. Prior Civil Action/Appeal No. 1

a. Parties to previous lawsuit:

Plaintiff(s): N/A

Defendant(s): N/A

b. Court and docket number: \_\_\_\_\_

c. Approximate date of filing: \_\_\_\_\_

d. Issues raised: \_\_\_\_\_

e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?): N/A

f. Approximate date of disposition: \_\_\_\_\_

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

#### IV. Parties to Current Lawsuit

State information about yourself and each person or company listed as a defendant in the caption (the heading) of this complaint.

1. Plaintiff

Name and any aliases: Miguel A. Dorantes

Address: FCI Sandstone P.O. Box 1000 Sandstone, Mn 55072

Inmate No.: 18489-023

2. Defendant No. 1

Name and official position: Sgt. NYE

Place of employment and/or residence: Grady County Jail

How is this person sued? ( ) official capacity, ( ) individual capacity, (✓) both

3. Defendant No. 2

Name and official position: Nurse April Beard

Place of employment and/or residence: Grady County Jail

How is this person sued? ( ) official capacity, ( ) individual capacity, (✓) both

If there are more than two defendants, describe the additional defendants using this same format on a separate sheet(s).

## "Continuing of Parties to current lawsuit"

### 4. Defendant No. 3

Name and official position: Booking Officer: Kade

Place of employment and/or residence: Grady County Jail

How is this person sued? ☐ official capacity, ☐ individual capacity, ☒ both

### 5. Defendant No. 4

Name and official position: Sgt. Tucker

Place of employment and/or residence: Grady County Jail

How is this person sued? ☐ official capacity, ☐ individual capacity, ☒ both

### 6. Defendant No. 5:

Name and official position: Malone: Correctional officer

Place of employment and/or residence: Grady County Jail

How is this person sued? ☒ official capacity, ☐ individual capacity, ☐ both

### 7. Defendant No. 6

Name and official position: Whitaker: Correctional officer

Place of employment and/or residence: Grady County Jail

How is this person sued? ☒ official capacity, ☐ individual capacity, ☐ both

### 8. Defendant No. 7

Name and official position: Gamble: Correctional officer

Place of employment and/or residence: Grady County Jail

How is this person sued? ☒ official capacity, ☐ individual capacity, ☐ both

### 9. Defendant No. 8

Name and official position: Nurse Sam

Place of employment and/or residence: Grady County Jail

How is this person sued? ☒ official capacity, ☐ individual capacity, ☐ both

### 10. Defendant No. 9

Name and official position: LT. Mangus

Place of employment and/or residence: Grady County Jail

How is this person sued? ☐ official capacity, ☐ individual capacity, ☒ both

"Continuing of parties to current lawsuit"

11. Defendant No. 10

Name and official position: Moss: Nurse

Place of employment and/or residence: Grady County Jail

How is this person sued? (☒ official capacity, ( ) Individual capacity, ( ) both

12. Defendant No. 11

Name and official position: Kayla: Nurse

Place of employment and/or residence: Grady County Jail.

How is this person sued? (☒ official capacity, ( ) Individual capacity, ( ) both

Rev. 10/20/2015



**V. Cause of Action**

Instructions

1. *Provide a short and plain statement of each claim.*
  - Describe the facts that are the basis for your claim.
  - You can generally only sue defendants who were directly involved in harming you. Describe how each defendant violated your rights, giving dates and places.
  - Explain how you were hurt and the extent of your injuries.
2. *You are not required to cite case law.*
  - Describe the constitutional or statutory rights you believe the defendant(s) violated.
  - At this stage in the proceedings, you do not need to cite or discuss any case law.
3. *You are not required to attach exhibits.*
  - If you do attach exhibits, you should refer to the exhibits in the statement of your claim and explain why you included them.
4. *Be aware of the requirement that you exhaust prison grievance procedures before filing your lawsuit.*
  - If the evidence shows that you did not fully comply with an available prison grievance process prior to filing this lawsuit, the court may dismiss the unexhausted claim(s) or grant judgment against you. *See* 42 U.S.C. § 1997e(a).
  - Every claim you raise must be exhausted in the appropriate manner.
5. *Be aware of any statute of limitations.*
  - If you are suing about events that happened in the past, your case may be subject to dismissal under the statute of limitations. For example, for many civil rights claims, an action must be brought within two years from the date when the plaintiff knew or had reason to know of the injury that is the basis for the claim.



I under penalty of perjury declare that; i Miguel A. Dorantes currently housed in Grady county jail. i am a federal inmate awaiting transfer to a new location. i have been here since Sep the 13th of 2021. On Oct 7, 2021 at approximately 9 p.m.-9:30p.m. i was conducting a video visit with my son and my mother of my child. During that cap hr, I mentioned: A share of inmates were being housed in the general population (GP), dorm, I was was currently housed in being: (4F). Due to classifications bureaucracy. To the entrance of the 2 inmates, walking in the dorm (4F) a comment spoken out-loud caught my full attention, from one of the 2 inmates that walked in. I turned and asked, "what did you or he say?" He repeated his words, giving me no other option but respond to protect myself, in acts of self-defense. As The fight was set in play, the correctional officer's (co's) shut the door leaving me trapped with 2 rival gang-members. A minute or moment later the door opens and stepping back from the shocks of a hit from the taser-shot. placing me in a distance of the rival-gang-member. When the officer's instructed me to get-down, as I was trying to regain conscious of my person to respond, obedient. Sgt. NYE fired: 2 rubber bullets or some other material from his weapon they, call "burner-guns". In those bullets containing: maze, and ect.. chemicals. Directly to my face as i managed to tilt my head down, connecting to the center left of my forehead. Instantly splitting my skin, arousing blood to splash-out. I was already restrain from the tase that my left shoulder received, I was in clear space away from the other inmate, it was unnecessary, only making the situation more exacerated, cruel and unusual, Sgt. Nye acts were unnecessary and wanton. Leaving me in a egregious condition of : mind and health. After the shots i received from, Sgt. Nye. I went unconscious crashing to the cement floor, officers rushed into restrain me and cuff me, when i was unconscious making are way around the elevator door I was slammed against the wall, awaiting for the elevator doors to open, Arriving at the 1st floor to see medical the wait was nearly 20 minutes, nurse April beard, trying to find the proper equipment to try and stop the bleeding. There department failed the statements needed, she couldn't find not one single item to treat my wound[open], and remaining excessively bleeding. All she did was find a type of "glue" and said, "this should hold him, he leaves tomorrow let them treat him". Entitling her to being "repugnant to the conscience of mankind", not being liable to give me adequate medical care, nurse april Beard unmanageable malpractice resulted in me all bruised from my left arm, and chest and overly bleeding, fainted, constant headache, agony, and a concussion. I got placed in a cell after she just glued me and told Sgt. Nye "he'll leave tomorrow, let them treat him" Sgt Nye agreeable, and

failed as a Sgt. to take more professionalism, his job-entitlement requires, he neglected my health, my state of being, treating me inhumane, cruel, all categories falling in violation to my civil rights: 8th, 14th, and 1983 U.S.C., nurse April Beard violate my rights by deprivation of my medical context, not reaching the fair notice: under Fed. R. Civ. p. 8, failing her malpractice to my health, open wound, and agony. C/o Kade my booking officer failed to take responsibility his job in the moment as 'intake, booking', placing my life in peril. C/O Malone, witnessing and knowingly of such acts under color of law. C/o Whitaker, witnessing and knowingly of such acts under color of law. C/O Gamble knowingly of denial of medical care, acts under color of law, Sgt. Tucker knowing and witness from video footage of event, I asked her for help and neglect my serious need, act under color of law, LT Mangus knowingly, I reached out for help to get medical attention to my condition. Nurse Sam knowingly of my condition ignored the seriousness of my condition and to show documented treatment, just grabbed a random wash-rag from the floor, rinsed it and placed it on my wound. Nurse Moss, Nurse Kayla knowingly of my medical need, neglected me to my serious and urgently medical condition. Being not liable, and making them fall in deliberate indifference violating my 14th amendment, 8th, and depriving my civil rights, all acts under color of law 42 U.S.C. 1983, Bivens, and 28 U.S.C. 1715 (b)(2)

Miguel Dorantes

*Miguel Dorantes* 1/12/22

6. Do not include claims relating to your criminal conviction or to prison disciplinary proceedings that resulted in loss of good time credits.
- If a ruling in your favor "would necessarily imply the invalidity" of a criminal conviction or prison disciplinary punishment affecting the time served, then you cannot make these claims in a civil rights complaint unless you have already had the conviction or prison disciplinary proceeding invalidated, for example through a habeas proceeding.

### Claims

List the federal right(s) that you believe have been violated, and describe what happened. Each alleged violation of a federal right should be listed separately as its own claim.

**1. Claim 1:**

- (1) List the right that you believe was violated:

Cruel and unusual punishment, (8<sup>th</sup> amendment), pain and  
suffering. 14<sup>th</sup> amendment

- (2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Sgt. NYE : 8<sup>th</sup> amendment, and 14<sup>th</sup> amendment; shooting me in my  
head and denying me medical attention. "Settlement"

C/o Kade : 8<sup>th</sup> amendment; Failed to do his job and lied about  
me stating and saying it was my fault he was booking officer.  
"Settlement"

(3) List the supporting facts:

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(4) Relief requested: (State briefly exactly what you want the court to do for you.)

"Settlement" and that Grady County Jail investigated for the neglect of medical for state and Federal inmates.

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**2. Claim II:**

(1) List the right that you believe was violated:

Civil and unusual punishment (8<sup>th</sup> amendment, pain and suffering 14 amendment.

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(2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Nurse April.

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"Continuing of claim(s) and list of defendant(s)"

Claim III

(1)

List the right that you believe was violated:

Cruel and unusual (8<sup>th</sup> amendment), pain and suffering 14 amendment

(2)

List the defendant(s) to this claim: (if you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Nurse Sam

(3)

List the supporting facts:

Repugnant to the conscience of mankind. As the top care provider deny me medical care and laughed that the officers beat/shot me to the head.

(4)

Relief requested: (state briefly exactly what you want the court to do for you.)  
"Settlement" and that Grady Co. Jail gets investigated for the neglect of medical for state and Federal inmates.

Claim IV

(1)

List the right that you believe was violated:

Cruel and unusual (8<sup>th</sup> amendment), pain and suffering 14 amendment

(2)

List defendants to this claim: (if you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim)

c/o Malone

(3)

List supporting facts:

Knowing of my denial to medical care and excessive force acts under color of law.

(4)

Relief requested: (state briefly exactly what you want the court to do for you.)  
"Settlement" and that this staff at Grady Co. Jail be investigated

Claim V

(1)

List the right that you believe was violated:

8<sup>th</sup> amendment

## "Continuing of Claim(s) and list of defendant(s)"

(2)

List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

O/o Whitaker

(3)

List the supporting facts:

Knowing of my denial to medical attention and the excessive force.

(4)

Relief requested: (State briefly exactly what you want the court to do for you.)

"Settlement" and that Grady Co. Jail be investigated for the cruel force and denial of medical for state and Federal inmates.

### Claim VI:

(1)

List the right that you believe was violated:

8th amendment

(2)

List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

O/o Gamble

(3)

List supporting facts:

Knowing of the excessive force and my denial of medical care.

(4)

Relief requested: (State briefly exactly what you want the court to do for you.)

"Settlement" that she be investigated for neglect of medical care all staff.

### Claim VII:

(1)

List the right that you believe was violated:

Cruel and unusual 8th amendment

(2)

List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Sgt. Tucker

(3)

List supporting facts:

Denied me of medical care and participated in the injustice.

REV. 10/20/2015

## "Continuing of claim(s) and list of defendant(s)"

- (4) Relief requested: (state briefly exactly what you want the court to do for you)  
"Settlement" and she be investigated for collusion.

### Claim VIII.

- (1) List the right that you believe was violated:  
8<sup>th</sup> amendment and 14.
- (2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Nurse Moss

- (3) List the supporting facts:  
Denying me medical attention and mocking and approving the force and pain inflicted on me.
- (4) Relief requested: (state briefly exactly what you want the court to do for you.)  
"Settlement" and that Grady Co. Jail medical staff get investigated and proper training.

### Claim IX.

- (1) List the right that you believe was violated:  
8<sup>th</sup> amendment and 14
- (2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

Nurse Kayla

- (3) List the supporting facts:  
Denying me medical attention and neglected me help supported and mocked the pain inflicted on me leaving me to bleed out.
- (4) Relief requested: (state briefly exactly what you want the court to do for you.)  
"Settlement" and she be investigated.



(3) List the supporting facts:

Pain and suffering, repugnant to conscience of mankind  
denying me medical care unprofessional treatment and  
decisions

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

Settlement

If there are more than two claims that you wish to assert, describe the additional claims using this same format on a separate sheet(s).

## VI. Declarations

I declare under penalty of perjury that the foregoing is true and correct.

Miguel D. Ruiz  
Plaintiff's signature

1/12/2022  
Date

I further declare under penalty of perjury that I placed this complaint in the prison's legal mail system, with the correct postage attached, on the 12 day of January, 2022.

Miguel D. Ruiz  
Plaintiff's signature

1/12/22  
Date

The Grievances el exhausted at Grady County Jail:

Referance # (of Grievance / medical cop-out [Request])

9,971,463 LT K. Mangus Date 10/10/21 2:07 p.m

9,855,184 LT K mangus Date 9/24/21 3:48 pm

The document is not notarize due to Records staff name  
Scallard. Refuse to notarize my affidavis.

"the pay-ment for the filing fee: can you send me where  
to send a check to and the number of my case."

Thank you Dorantes - Miguel. 18489-023

*Miguel Dorantes*

1/12/22